

application. Applicants note that during the international proceeding, a lack of unity of invention was found only for claims 18-19 and 26-27 of the present application. Therefore, under the unity of invention standard, there are two groups of claims: Group I: claims 1-17, 20-25 and 28-33; Group II: claims 18-19 and 26-27. Applicants request that the Examiner withdraw the present restriction requirement, apply the appropriate unity of invention standard to this § 371 application, and examine claims 1-17, 20-25, and 28-33 in the present application.

In addition, even if the more restrictive § 121 standard were applied, Groups I-III (as identified in the restriction requirement) should be examined in the same application. Group I (directed to methods of inhibiting an immune response by inducing apoptosis), Group II (directed to methods of inhibiting an immune response by inducing anergy), and Group III (directed to methods of inhibiting an immune response by inducing apoptosis and anergy) are inherently interconnected. In order to perform a thorough search of the prior art relevant to Group III, which is directed to methods of inhibiting an immune response by inducing apoptosis and anergy, the prior art relevant to the claims of both Group I and Group II will have to be searched. In addition, the broadest claim, claim 1, contains no limitation on the mechanism by which the immune response is inhibited. Hence, an examination of claim 1 will inherently find references directed to all of Groups I-III. Therefore, there is no additional burden on the Examiner to search the claims of Groups I-III. In the absence of any burden on the U.S. Patent and Trademark Office, Groups I-III should be examined in the same application.

Furthermore, the Examiner asserts that if Group IV is elected, that the Applicants are required to elect a specific immunosuppressive composition specifying that either that the composition loses the ability to induce T cells to undergo anergy or apoptosis (claim 18e), or that the composition has certain properties when incubated with cells (claim 19). The Examiner explains that each of these species requires a different search. Applicants disagree and request reconsideration. This required election is inappropriate, as claim 19 depends from claim 18, and therefore contains all of the limitations of claim 18. Therefore, if the species of claim 19 is searched, then the species of claim 18 must also be searched. As a result, it is no burden on the Examiner to search claims 18 and 19 in the same application, and these claims should not be

restricted from one another. In the absence of any burden on the U.S. Patent and Trademark Office, claims 18 and 19 should be examined in the same application.

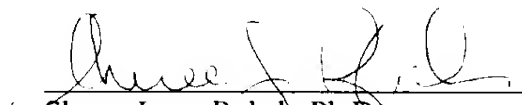
If there are any questions about this response, the Examiner is invited to telephone the undersigned.



Respectfully submitted,

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